

**ARIZONA STATE BOARD OF HOMEOPATHIC and INTEGRATED MEDICINE EXAMINERS**

**Douglas A. Ducey**  
Governor

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Charles Schwengel, DO, DO(H)  
Alan Kennedy  
Mary Grace Warner, MD, MD(H)  
**Mario Fontes**

May 08, 2018 at 09:00 a.m.

**1. CALL TO ORDER**

The acting chairperson, Dr. Mary Warner, called the meeting to order at 9:03 a.m.

**2. ROLL CALL**

Dr. Warner confirmed the attendance of the following Homeopathic Examiners Board (HEB) Members:

Mary Grace Warner-Dunlop, MD, MD(H)  
Charles Schwengel DO, DO(H) via telephone  
Mario Fontes  
Alan Kennedy via telephone

Also present: Eric Borg, Executive Director, Sabrina Khan, Assistant AG

**3. DECLARATION OF CONFLICTS OF INTEREST**

None declared.

**4. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPROVAL OF REGULAR AND EXECUTIVE MEETING MINUTES.**

a. Regular Meeting Minutes –March 13, 2018.

The HEB considered and discussed the Regular Session minutes of the March 13, 2018 meeting.

MOTION: Mr. Fontes made a motion to approve the regular session minutes of March 13, 2018.

SECOND: Mr. Kennedy seconded the motion.

Roll call vote was conducted. Motion passed unanimously.

b. Executive Meeting Minutes – January 9, 2018

The HEB considered and discussed the Executive Session minutes of the January 9, 2018 meeting.

MOTION: Mr. Fontes made a motion to approve the regular session minutes of January 9, 2018.

SECOND: Mr. Kennedy seconded the motion.

Roll call vote was conducted. Motion passed unanimously.

**5. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING JURISDICTION OF THE FOLLOWING DUAL LICENSEE PURSUANT TO A.R.S. § 32-2907**

a. Inquiry Number: 18-02 – Dr. Martha Grout, MD, MD(H)

Mr. Borg gave a summary of the complaint. The AMB received the complaint and forwarded it to the HEB. Mr. Borg stated that the patient has quite a few medical issues that she had been treated for by various physicians. Mr. Borg noted that we just received a document (page 5) that was missing from the package so not all Board members have

had the opportunity to view it. Mr. Borg read the document for the benefit of all members.

Dr. Warner said she wasn't clear what the complaint is. Mr. Borg stated the complaint was primarily involved with port access and the wearing of gloves and masks. Dr. Warner said that port access is widely used and called on Dr. Schwengel to discuss the technique for port access. The Board encountered problems with the phone transmission so it became difficult to understand Dr. Schwengel. Dr. Schwengel did state that the ports mad weekend access convenient and that gloves and masks were required as part of the port access. Port access requires that one swab the area and use sterile techniques.

Dr. Grout was asked to speak. Dr. Grout stated that they use the sterile technique for port access. Dr. Warner stated that Dr. Grout is testifying that her clinic uses mask and gloves for port access and that the patient is claiming that she didn't so that is hearsay. Dr. Grout said that it seems to her that the issue is not so much with the sterile technique but rather with the question of who it was and what their training is. She has an RN and a Medical Assistant (MA) who have been trained to access ports using sterile techniques. Ms. Khan reminded the Board that they aren't there to determine the case but rather to determine if the Board should have jurisdiction in this matter. Dr. Warner felt that the Board should have jurisdiction because Dr. Grout and the MA both have homeopathic licenses.

Dr. Grout stated that she has had a number of complaints through the AMB and the HEB. She thinks that there has been a pattern wherein the complaints go to the AMB regardless of whether they should be heard at the HEB.

Mr. Fontes stated that since Dr. Grout has a homeopathic license as well as the MA the complaint should fall within the HEB's jurisdiction. Mr. Borg felt that since the treatment was a Myers cocktail that the HEB should have jurisdiction.

MOTION: Mr. Fontes made a motion to retain jurisdiction in this matter and open an investigation in the matter.

SECOND: Mr. Kennedy seconded the motion.

Roll call vote was conducted. Motion passed unanimously.

MOTION: Mr. Fontes made a motion to have Dr. Warner represent the Board at arbitration.

SECOND: Mr. Kennedy seconded the motion.

Roll call vote was conducted. Motion passed unanimously.

## **6. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING THE FOLLOWING INVESTIGATION.**

### **a. Inquiry Number: 17-03 – Dr. Dan Harper, MD, MD(H)**

Mr. Borg gave a summary of where the Board was regarding this case. Mr. Borg stated that the Board had directed him to send a letter to Dr. Harper asking him to submit information about the purchase of his destructors, specifically the purchase dates. Dr. Harper submitted pictures of the units, sales orders, receipts and more for the units. Dr. Warner asked Mr. Fontes, given his experience with ozone therapy, to comment on the destructors. Mr. Fontes stated that these were definitely appropriate.

Mr. Borg stated that at the last meeting the Board had withheld taking any action pending its review of this submission. The Board had felt that if the information would validate the protocol for the ozone therapy then they could take action on the case. Mr. Borg asked Ms. Khan to review the Board's legal options. Ms. Khan stated that the Board could: dismiss, file a non-disciplinary letter of concern and must articulate its concern, or require continuing education and articulate why.

MOTION: Mr. Fontes made a motion to dismiss the complaint.

Discussion: Mr. Fontes said that the issues had been discussed and that the only issue was if the destructors were adequate. Mr. Borg stated that the information was conflicting that Dr. Harper had given the California Medical Board (CMB). At first he had said that he didn't use or need destructors and later said that he used three. Dr. Warner noted that CMB did an exhaustive investigation into this case and the only thing she felt outstanding was the destructors. Mr. Borg noted that the CMB had called out a protocol for the destructors which was different than what the manufacturer called for. CMB required 3 filters and the manufacturer required only one. Dr. Warner wondered if Dr. Harper actually understood the power of the destructors he had in the air cleaners he had.

Mr. Borg recounted the issues that CMB had brought up in their investigation and that the HEB has discussed all of them.

SECOND: Dr. Warner seconded the motion.

Roll call vote was conducted. Motion passed unanimously.

## **7. REQUESTS FOR APPROVAL OF CONTINUING EDUCATION**

a. Fibromyalgia Fix: Treating the Condition to Reduce the Symptoms – Kenneth Muhich D.C.

Dr. Warner asked if the Board could give this kind of CME approval to a Chiropractor. She stated that since Homeopathic Physicians practice chiropractic treatments they should consider this. This submittal is extensive and covered everything. Mr. Fontes asked how many credits are they asking for. Mr. Borg responded that they are seeking 12 and that the class hours are 12.

MOTION: Mr. Fontes made a motion to approve the application.

SECOND: Mr. Kennedy seconded the motion.

Roll call vote was conducted. Motion passed unanimously.

b. Homeopathy Heals – Dr. Jawahar Shah

Mr. Borg stated that the second request is not complete and has been table until the application is complete.

## **8. BOARD ADMINISTRATIVE MATTERS FOR REVIEW AND DISCUSSION**

a. Legislation – H.B. 2411

Dr. Warner asked Mr. Borg to give a recap of where the Board is at in this matter. Mr. Borg stated that we have the information as to what other states are doing. The main issues the Board was looking at are streamlining the application process and reciprocity. Mr. Borg had looked at the 3 states that license homeopathic physicians and none of them are currently doing reciprocity. He feels that both Nevada and Connecticut have similar requirements to Arizona so that it would be a good idea for the Board to look at reciprocity with those states. He has talked with the Naturopathic Board to see what they are doing since they have reciprocity agreements. Mr. Fontes asked if applicants would still have to pay the fees. Dr.

Warner said yes. Mr. Kennedy posed that we should initiate a system where we look at complaints from other states and take those into consideration within the reciprocity process. Mr. Borg stated that we would still due checks on the applicant for that reason and could put in qualifiers. Everyone agreed that the standards for reciprocity should be no less than what Arizona's requirements are.

Mr. Borg said that the Board has to submit a report by Dec. 31<sup>st</sup> that details what steps the Board has taken regarding these issues. Dr. Warner felt that this would require a few more meetings to do this.

Mr. Borg noted that Lisa Platt, Executive Director for AHIMA was present and could speak to this issue. She wants to be supportive and work with the Board on this issue. AHIMA has noted that per the Auditor General's Sunset Audit report, the requirements were deemed to be in need of streamlining. She is supportive of streamlining the process for licensure. She said that the biggest complaint doctors have is with the test. Mr. Borg suggested that in addition to looking at what NV and CT do regarding testing, that the Board look into what these states do with their websites and how we can make ours more user friendly.

Dr. Warner asked Ms. Platt what specifically was the doctors' complaint with testing. Ms. Platt thought that it had to do with knowing what it was they had to study for the test. Clearer identification should be available.

Mr. Fontes asked to look at what NV and CT do for licensing and how we could follow that. Mr. Borg stated that he has looked at this and most of the requirements are almost identical. He gave an example regarding international accreditations and that all three states had a somewhat open-ended system for looking at this which should be better defined.

Ms. Platt spoke to this point and referenced the doctor of homeopathy license and that the two should be define under rules. This would help international students get our license. Mr. Fontes stated that we aren't trying to get more international students licensed, but rather to make sure that applicants meet requirements. Mr. Fontes noted that the original intent of the doctor of homeopathy license was to allow graduates from homeopathic schools to apply to get this license classification.

Mr. Borg discussed the history of this concept going back to the Governor's reduction of red tape initiative and how agencies could streamline these functions. Mr. Borg will put something together for the Board regarding reciprocity. Dr. Warner talked about creating a subcommittee to look into these areas. Mr. Fontes volunteered to sit on a committee. Ms. Khan stated that this wasn't agendized so it needs to be for a future meeting.

a. Investigator volunteer list

Mr. Borg stated that the Board now has a couple of Homeopathic Physicians who volunteered to serve as medical investigators for complaints.

## **9. CALL TO THE PUBLIC**

### **NONE**

## **10. REVIEW AND CONSIDER FUTURE BOARD MEETING DATES**

- a. July 10, 2018 – To be a telephonic meeting

## **11. REVIEW AND CONSIDER FUTURE AGENDA ITEMS**

### **Election of Board Officers**

## **HB 2411**

### **12. ADJOURNMENT**

MOTION: Mr. Fontes made a motion to adjourn.

SECOND: Mr. Kennedy seconded the motion.

Roll call vote was conducted. Motion passed unanimously.